

To: Honorable Larry J. McKinney
Senior United States District Judge
105 U.S. Courthouse
46 East Ohio Street
Indianapolis, Indiana 46204

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
2015 JAN -8 PM 2:40
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

Thru: Michael Frease, Pro-Se Clerk

Re: USA vs WHITE 03-2875 - 7th Circuit
1:98-CR-00038-LJM

Per my conversation with your clerk Mr. Frease, it appears that the following clerical error has occurred which has had a adverse effect on the decisions being made by the U.S. Court of Appeals, Seventh Circuit, as well as this Court.

Specifically, on December 30, 2003 my direct appeal was submitted. (See attached documentation) This entry was never made on my case docket sheet. (See attached docket sheet) Because of this clerical error, and the fact that my appeal was not decided until May 3, 2005, Crawford v. Washington, 541 US 36(2004) would apply retroactively as stated by the U.S. Supreme Court.

As the Court is well aware, once CRAWFORD and Griffith v. Kentucky 479 U.S. 314 (1987), (Quoting Justice Harlan's view and holding that newly announced rules of constitutional criminal procedure must apply retroactively to all cases state or federal. Pending on direct review or not yet final. With no exeption. Griffith supra at 328 107 S.Ct. 708 93 L.Ed. 2d 649.) that there can be no other result except to order a retrial or the Court to consider issuing an order stating time served. White's Notice of Appeal

was filed 7-10-2003 and his Direct Appeal was submitted 12-30-2003 and decided 5-3-2005 and CRAWFORD V. WASHINGTON was decided 3-8-2004. Therefore it's rule of law applies to the instant case.

I wish to bring to the Court's attention that I am a first-time and non-violent offender now having served over 17 years in prison. I respectfully ask this Court to seriously consider the issues presented here by myself and Mr. Frease.

Respectfully,

Mark A. White 1.6.2015

Mark A. White, Defendant

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